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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,528	10/16/2003	A. Anthony East	10019.0025.7	5223

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EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,528

Applicant(s)

EAST ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15, 17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicants should note that with respect to the following prior art rejections, it is noted that a garage door is not regarded as being positively claimed, nor are elongated locks bars or snap cables. Further, the prior art is capable of use with a garage door, elongated lock bars and cables.

Claim 12 is objected to because of the following informalities: In claim 12, line 13, both occurrences of "member" should be replaced with --cylinder--, to conform to lines 11 and 12. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-8, 10, 12, 15 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hauber (201).

Hauber teaches a door locking system including an elongated spindle 14 having an outside handle 18 with a key locking member on the outside end of the spindle, an inside locking member 38, 38a defined by a push-button on the inside end of the spindle, the locking member 38, 38a having at least a portion of cylindrical shape as seen in fig. 3, an actuator yoke 12, 52 having ends 52 capable of being connected to a lock bar 50 or capable of use with a latch cable, an inside handle 46 on the inside end of the spindle, the yoke including a hub portion 12 which is between the handle 46 and

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the ends 52, wherein the ends 52 are nearer the outside end of the spindle than the hub, and an outside escutcheon 16a.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauber (201) in view of Howell (909).

Howell teaches a key cylinder 22 on an outside handle 20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a lock cylinder with the key lock on the outer handle of Hauber, in view of the teaching of Howell, the motivation being to allow authorized actuation of the outer handle by only those who possess the proper key.

Claims 9, 11, 13, 14, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauber (201) in view of Miller (065).

Miller teaches an inside escutcheon 11, 17, including a raised central portion 17 in fig. 2 and a recessed outer portion 11 in fig. 2, wherein the recessed portion provides clearance for yoke portions 20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an inner escutcheon for the inner handle and yoke of Hauber, in view of the teaching of Miller, the motivation being to properly orient the inside components 12, 46 to the inside face of the door.

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Applicant's arguments filed August 26, 2005 have been fully considered but they are not persuasive. In response to applicant's Remarks in the last paragraph of page 7 and the first paragraph of page 9 filed on August 26, 2005, it is first submitted that the claims do not set forth that the shaft can be locked by the inside lock "such that the shaft 14 cannot be rotated by the outside handle", and the claims do not set forth that the "outside handle can be unlocked from the inside end of the shaft". It is submitted that the claims set forth that the spindle is selectively locked and unlocked from either the inside end or the outside end of the spindle, which is clearly taught by the Hauber reference. It is further submitted that the operability of the lock referred to in the last sentence of paragraph two of page 7 of the Remarks (see page 8, line 21 to page 9, line 14 of the specification) is not explained in the specification as to how the inside lock 22 prevents the outside handle from rotating the spindle. Further, page 6, lines 9 and 16 of the original specification, set forth that the key cylinder 120 and the push button lock cylinder 122 are conventional. Accordingly, the patentable novelty of the inside and outside locks of the invention is not apparent.

In response to applicant's remarks in the first full paragraph of page 10 of the Remarks filed on August 26, 2005, it is resubmitted that the elements 11, 17 of Miller may be regarded as an inside escutcheon. The plate 11 includes an outer surface where the arrow for numeral 10 extends, which outer surface may be regarded as just as ornamental as that shown by applicant at numeral 114. The plate 11 clearly protects the internal components 20 and 49 therein.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

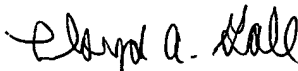
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG

February 14, 2006

  
Lloyd A. Goh  
Primary Examiner